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The Fifth Estate

RADIO TELEVISION CABLE SATELLITE

Broadcasting May 8

WE LISTEN TO YOU!

UNITED STATIONS

RADIO NETWORKS

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58th Year 1989

NAB'89

Trying to get a fix on the future.

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Broadcasting May 8

NAB '89: 50,000 strong...

Those attending largest ever National Association of Broadcasters gathering hear mixed news from lawmakers regarding pending Fifth Estate legislation and undercurrent of uncertainty about future of radio and television. **PAGE 27.** BROADCASTING's gavel-to-gavel coverage of NAB speakers, panel sessions and equipment begins on **PAGE 35.**

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least if it decides to pass law requiring local signal carriage. It will probably also preserve copyright license for signals.

On Jan. 3, House Telecommunications Subcommittee member John Bryant (D-Tex.) reintroduced bill he offered in last Congress (Broadcasting, April 4, 1988) to condition compulsory license on whether cable operator is carrying local broadcast signals. Senate Copyright Subcommittee Chairman Dennis DeConcini (D-Ariz.) revived measure from last Congress that is virtually identical to Bryant's bill.

Crossownership

Telco-cable. FCC has tentative plans to hold en banc hearing in June to air industry views on cable-telco issue. Agency initiated debate on whether telcos should be allowed to provide cable services in July 1988 when it tentatively voted 2-1 to recommend that Congress lift telco-cable crossownership ban.

However, FCC may not be able to affirm decision. Commissioner James Quello issued statement Jan. 13 saying he was reconsidering vote favoring repeal. And Commissioner Patricia Diaz Dennis, who voted against tentative conclusion, continues to feel ban against telcos controlling programming should be retained, although she believes telcos should be allowed to offer video transmission services as common carriers.

FCC move follows National Telecommunications and Information Administration report on cable TV regulation recommending telephone companies be allowed to serve as transporters of others' programming, although not as programers themselves, in telcos' own service areas (Broadcasting, June 20, 1988).

At present, barriers to such BOC crossownership include not only FCC regulations and 1984 Cable Act but also modified final judgment issued by U.S. Judge Harold Greene in his supervision of breakup of AT&T. NTIA has petitioned FCC to preempt Greene's regulation of BOCs, arguing that judge is hampering their entry into information services, including cable.

Duopoly, one-to-a-market. FCC, voted Oct. 27, 1988, to relax duopoly rules to allow closer spacing of commonly owned AM and FM stations, arguing that impact on diversity would be negligible and that it would allow some broadcasters to reap certain economies of scale.

Using same justification, FCC relaxed policy for waivers to one-to-market rules. Dec. 12, 1988, saying it would look favorably on waiver requests involving top 25 markets with at least 30 broadcast voices. Capital Cities/ABC, Great American Broadcasting (formerly Taft Broadcasting) and New England Television (WNEV-TV, Boston) were first to apply for waivers under new policy; their requests are pending.

Broadcast-newspaper. Appropriations bill (H.R. 4782), which was signed into law, includes provision that prevents FCC from reexamining its broadcast-newspaper crossownership rules.

Rupert Murdoch won victory in U.S. Court of Appeals in Washington March 29, 1988, when court ruled that statute passed by Congress in session's final hours violated First and Fifth Amendments by prohibiting FCC from extending current waivers of rule banning newspaper/television station crossownership. Court did not rule on constitutionality of substance of provision that bars commission from repealing or modifying television/newspaper crossownership bar.

Indecency

Implementing stringent indecency law signed by President Reagan last fall (Broadcasting, Oct. 3, 1988), FCC unanimously adopted new policy that prohibits "indecent" broadcasts 24 hours per day. But policy and underlying law are being challenged in courts on First Amendment grounds by coalition of broadcasting and public interest groups, including such diverse groups as National Association of Broadcasters and Action for Children's Television. On Jan. 23, three-judge panel of U.S. Court of Appeals in Washington granted request by coalition for stay of Jan. 27 start of 24-hour ban (Broadcasting, Jan. 30).

U.S. Court of Appeals in Washington had affirmed FCC's earlier indecency enforcement policy based on premise that FCC could not ban indecency but could channel it to times of day when few children are in audience. But court remanded case to commission to justify midnight-to-6 a.m. "safe harbor." In light of congressional action, FCC will not go ahead with its remand rule-making. FCC and number of media groups are engaged in court battle over issues in Supreme Court case involving constitutionality of ban on dial-a-porn messages (Broadcasting, April 3).

International

■ French pay TV service Canal Plus has emerged winner in allocation of channels on France's direct broadcast satellite TDF-1. Among five transponders allocated by French government are Canal Plus Germany, German-language pay film channel in joint venture between Canal Plus and German media conglomerate Bertelsmann, as well as celestial version of Canal Plus's terrestrial French pay channel. Canal Plus also has 10% stake in children's channel that will share transponder with evening Euromusique service. Other channels are all-day sports channel run by French public broadcasters and joint Franco-German cultural channel. Locked out of TDF-1 were leading French broadcaster TF1, as well as Europe-

BY THE NUMBERS

Summary of broadcasting and cable

BROADCASTING

SERVICE	ON AIR	CP's [1]	TOTAL [2]
Commercial AM	4,948	268	5,216
Commercial FM	4,174	676	4,850
Educational FM	1,383	257	1,640
■ Total Radio	10,505	1,201	11,706
FM translators	1,689	392	2,081
Commercial VHF TV	545	24	569
Commercial UHF TV	517	229	746
Educational VHF TV	121	6	127
Educational UHF TV	217	28	245
■ Total TV	1,400	287	1,687
VHF LPTV	300	205	505
UHF LPTV	324	1,508	1,832
■ Total LPTV	624	1,713	2,337
VHF translators	2,717	118	2,835
UHF translators	2,111	457	2,568

CABLE†

Total subscribers	49,538,000
Homes passed	73,900,000
Total systems	8,000
Household penetration†	54.8%
Pay cable penetration	32%

[1] Includes off-air licenses. † Penetration percentages are of TV household universe of 90.4 million. [2] Construction permit. [3] Instructional TV fixed service. [4] Studio-transmitter link.

an media moguls Silvio Berlusconi of Italy and Leo Kirch of West Germany, who had sought variety of channels.

In wake of French satellite decision, latest consortium of Berlusconi, Kirch and TF1 have responded by advancing plans to form new joint venture European production company. Among venture's first projects are English-language 2 part version of play, Saturday, Sunday, Monday, with Sophia Loren and Marcello Mastroianni, and sequel to *A Child Named Jesus*, recently sold to Tribune Broadcasting in the U.S.

Capital Cities/ABC, which already owns 25% through ESPN of London-based satellite sports service Screensport, has taken substantial minority share in Munich TV company Tele-Munchen, producer-distributor and majority owner of German satellite service Tele5. Company is also negotiating three similar deals this year on continent, including one in Spain.

NBC plans to launch its new cable consumer and business news service CNBC in Europe, Japan and the Pacific following its April 17 domestic start date.

New European transfrontier broadcast law has been essentially completed following Council of Europe's formal adoption of new broadcasting convention and near agreement by European Commission on separate but similar plan. New regulations would harmonize diverging national regulations and establish framework under which emerging transborder satellite TV services could service European market's 320 million viewers. In apparent win for U.S. program exporters, only minimal quotas against non-European shows are proposed. Ads can fill up to 20% of any hour or 15% of daily schedule, and limitations are placed on tobacco products, pharmaceuticals and alcohol.

Phone company US West has made joint bid for Hong Kong cable system franchise with potential for 1.5 million TV and telephone service customers. Several North American companies, Paramount, Viacom, AT&T and Rogers Cablevision of Canada, are also advising two of four bidding groups. Government decision is expected this summer.

Rupert Murdoch has launched Sky Television satellite service aimed at Britain's nascent direct-to-home dish viewership. Using 16-channel Luxembourg Astra satellite, three new channels - sports, news and movies - joined existing but upgraded Sky Channel service, and will be followed later this year by pay Disney Channel and Sky Arts. MTV Europe is also on Astra.

Public Broadcasting

■ PBS and NAPTS believe public TV stations found consensus at April annual meeting to create national programing czar. Chief programing executive plan would centralize program funds and authority at PBS. NAPTS-led National Program Funding Task Force is expected to present refined czar proposal at PBS Programing Meeting dates 14-17 in Marco Island, Fla., and to forward final version next fall to CPB, which must report to Congress next January on national program funding efficiency.

CPB asked House April 18 and Senate March 17 to provide full $265 million authorized for fiscal 1992, plus remainder of $200 million authorized for replacement of satellite due to expire in 1991. Administration has recommended capping CPB at 1991 figure of $242 million and would also stop funding satellite replacement project at amount already appropriated for 1990: $56.8 million. CPB board has adopted $254,339,038 FY 1990 budget.

Towery asked Congress on March 21 to remove CPB from Inspector General Act, citing concerns that First Amendment rights of public broadcasters could be threatened by inspector's authority to deem programing or other budget items unnecessary.

PBS board adopted $26,228,658 FY 1990 budget April 12, representing 6.09% member dues increase over 1989. NAPTS board adopted $2.1 million FY 1990 budget same day. NPR board Feb. 7-8 set tentative $20.3 million FY 1990 member dues level ceiling. Current plans call for July start-up of expanded newscasts. In January, board appointed 10-member working group of citizen leaders to advise NPR on strategic plan for 1990's.

TV Marti

■ Backers of Radio Marti, which broadcasts news, information and entertainment to Cuba, are lobbying Congress to establish affiliated television service. Congress last year appropriated $7.5 million in start-up funds for proposed service, and in early April House Foreign Affairs Committee adopted legislation authorizing $16 million for operating funds in each of next two years. However, funds could not be appropriated unless President certifies to Congress that test of project, and one is planned for later this year, has demonstrated its feasibility.

Cuba's vice president has reportedly issued warning that Cuba will take all "appropriate measures" against TV Marti.

Wireless Cable

Wireless cable is up and running in several markets and may be in several more within next year.

Microband Companies Inc., New York, is industry leader, with systems in Washington, Detroit and New York. Metropolitan Cablevision has 25,000 subscribers in Cleveland and claims to be holding its own in head-to-head competition with Viacom-managed North Coast Cable, conventional cable system operator.

Wireless cable's principal problem remains inability to secure right to cable programing at what operators feel are equitable rates. Wireless pioneers charge that programers' recalcitrance is due to pressure from conventional operators, programers' principal customers, and, in some cases, their owners. Programers say any discrimination against wireless cable is result of concern about financial stability of operators and signal security.

The Fifth Estate

Broadcasting

incorporating

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and Disney about possible projects for them. □

Paramount's Monsky takes over 'Tabloid'

Former Media Broadcasting Services president will supervise 'overall look and tone' of show

Paramount confirmed last week that Mark Monsky has been named executive producer of *Tabloid* ("Closed Circuit," BROADCASTING, May 1). Monsky joins the half-hour news/entertainment show from Media

Monsky

Broadcasting Services Inc., where he served as president and executive producer of such specials as *Hong Kong Before China* and *Social Insecurity* for NBC, and *Unauthorized Biographies*, a series of two-hour specials for Orbis Communications.

"Mark Monsky brings to *Tabloid* an established track record as an executive producer and extensive experience in the television news arena," said Frank Kelly, Paramount's executive vice president, programing, domestic television. "As executive producer of *Tabloid*, he will be involved in developing the format of the show, hiring key production staff, and supervising the overall look and tone of the show," said Kelly, adding: "We feel his background and innate sense of what makes news will be invaluable to the success of this program."

Monsky's appointment comes on the heels two weeks ago of Paramount's naming Alan Frio as anchor of the show. Frio will join *Tabloid* on July 1, coming from CBS O&O WCAU-TV Chicago, where he has been news anchor since 1984.

Tabloid is cleared in 110 markets representing 80% of the country. □

New Muppet show for HBO

Henson creations to be featured in program set for September debut

Jim Henson Productions' *The Ghost of Faffner Hall*, an original 13-week family series focusing on the world of music, will debut on HBO next September. A new cast of Muppet characters will interact with such guests as Joni Mitchell, Dizzy Gillespie, Mark Knopfler, Bobby McFerrin, Ry Cooder, Ladysmith Black Mombazo, James Taylor and the Gil Evans Band.

While not "formally educational," according to Henson, the new show presents a "wonderful opportunity to open kids up to a wide variety of musical concepts and styles." The program is based on a music curriculum developed by Professor John Paynter, head of the music department at the University of York, England, and his colleague, composer

'The Ghost of Faffner Hall'

Summer season week two: still waiting for an audience boost

The summer season's second week (ended April 30) went to NBC when that network posted a 13.7 rating and 23.8 share. CBS came in second with an 11.7/ 20.6. ABC closed out week two with an 11.4/ 19.7. The combined rating for week two delivered 33.26 million households, up 91,000 households from the summer's week one.

Nielsen	□	Net	□	Show
1	22.3/35	A		Roseanne
2	21.2/39	N		Cosby Show
3	20.8/34	N		Cheers
4	20.0/35	N		Different World
5	19.6/33	C		Murder, She Wrote
6	18.7/34	N		Golden Girls
7	18.1/30	A		Wonder Years
8	18.1/29	N		Dear John
9	18.1/30	N		L.A. Law
10	17.7/32	N		Empty Nest
11	17.6/28	N		NBC Sunday Movie
12	17.3/30	A		Who's the Boss?
13	17.2/27	N		In the Heat of the Night
14	17.1/27	A		Have Faith
15	16.8/33	C		60 Minutes
16	16.5/29	N		Unsolved Mysteries
17	16.3/26	C		Designing Women
18	16.0/31	N		Hunter
19	15.9/27	C		Knots Landing
20	15.8/27	N		Matlock
21	15.4/29	A		Full House
22	15.4/28	A		Growing Pains
23	15.3/26	C		Newhart
24	15.2/24	A		Hallmark Hall of Fame
25	15.2/26	C		CBS News Special: Lucy
26	15.2/25	C		Jake and the Fatman
27	15.1/29	A		20/20
28	15.0/25	A		Head of the Class
29	14.2/23	N		Night Court
30	14.1/23	C		Murphy Brown
31	14.0/23	C		CBS Sunday Movie
32	13.8/24	A		thirtysomething
33	13.8/24	C		Dallas
34	13.4/22	N		NBC Monday Movie
35	13.3/24	C		Kate and Allie
36	13.2/23	A		Mr. Belvedere
37	13.1/26	A		Perfect Strangers
38	13.1/23	N		ALF
39	12.7/22	A		MacGyver
40	12.3/21	A		Just the Ten of Us
41	12.2/21	A		China Beach
42	12.1/20	N		Nearly Departed
43	11.6/20	N		Nightingales
44	11.5/22	N		Amen
45	11.2/18	F		Married...With Children
46	11.1/20	N		Black Athletes-Fact, Fiction
47	10.8/18	A		Robert Guillaume Show
48	10.7/17	A		Coach
49	10.4/17	A		ABC Mystery Movie
50	10.4/17	C		Equalizer
51	10.4/18	C		Tour of Duty
52	10.0/17	F		America's Most Wanted
53	9.8/19	C		Diet America Challenge
54	9.7/16	N		Nick and Hillary
55	9.4/18	C		Beauty and the Beast
56	9.4/19	N		One of the Boys
57	9.1/15	A		Dynasty
58	9.1/17	N		Magical World of Disney
59	9.0/16	C		48 Hours
60	8.9/16	C		Garfield in Paradise
61	8.7/15	A		Koppel Report
62	8.5/14	C		CBS Tuesday Movie
63	8.2/16	A		Mission: Impossible
64	8.2/14	C		Heartland
65	8.2/14	N		Miami Vice
66	8.1/16	C		Paradise
67	7.4/14	C		Jesse Hawkes
68	7.3/14	N		Dream Street
69	7.1/12	C		Hard Time on Planet Earth
70	7.1/14	C		West 57th
71	6.9/14	F		21 Jump Street
72	6.4/11	A		Moonlighting
73	6.1/11	A		Man Called Hawk
74	6.1/11	A		Over the Edge: special
75	5.9/11	A		Living Large
76	5.8/11	F		Cops
77	5.8/11	N		Jim Henson Hour
78	5.4/11	A		Heart and Soul
79	5.4/9	F		Garry Shandling Show
80	4.9/10	F		Reporters
81	4.7/7	F		Tracey Ullman Show
82	4.6/9	A		Code One
83	4.4/8	F		Beyond Tomorrow
84	3.9/6	F		Duet

Syndication Scorecard *

(Week ending April 23)

	Rtg.	Show	Stns.	Covg.
1	13.6	Wheel of Fortune, syn.	229	99
2	11.9	Jeopardy	211	97
3	11.0	National Baseball Network	73	87
4	9.6	Cosby Show	198	97
5	8.5	Oprah Winfrey Show	215	99
6	8.2	Wheel of Fortune, wknd.	199	87
7	8.1	Star Trek	234	97
8	6.9	Current Affair	149	91
9	6.8	Entertainment Tonight	167	93
10	5.8	Donahue	222	98
11	5.7	Geraldo	198	99
12	5.7	Mama's Family, syn.	190	93
13	5.6	Friday the 13th	217	95
14	5.5	Star Search	152	95
15	5.5	War of the Worlds	219	96

The following programs are included, but not ranked:

9.0	World Wrestling Fed.	246	97

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